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May 15, 2003

Mr. Clark Kent Ervin
Acting Inspector General
Department of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Mr. Ervin:

I write to express my alarm at reports that valuable Department of Homeland Security resources, which exist to protect the American people from terrorism, were diverted for partisan political purposes. Specifically, I am concerned about the following report in the Fort Worth Star Telegram that describes the Department's surveillance powers being used to track down Democratic lawmakers:

"One federal agency that became involved early on was the Air and Marine Interdiction and Coordination Center, based in Riverside, Calif. -- which now falls under the auspices of the Homeland Security Department.

The agency received a call to locate a specific Piper turboprop aircraft. It was determined that the plane belonged to former House Speaker Pete Laney, D-Hale Center.

The location of Laney's plane proved to be a key piece of information because, (Republican House Speaker Tom) Craddick said, it's how he determined that the Democrats were in Ardmore." *Jay Root, "Eyes of Texas, U.S. on truant legislators," May 14, 2003.*

If true, this report represents a shameful diversion of taxpayer resources for partisan purposes. I would urge you to immediately investigate this matter and provide a full accounting of the following:

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- (1) Who requested that the Center locate Mr. Laney's plane?
- (2) Who, at the Center or elsewhere in the Department of Homeland Security, or in the Administration, authorized the Center to undertake this surveillance?
- (3) Were there any other contacts between Congressional or Administration officials with the Department concerning this matter?
- (4) What was the rationale for utilizing federal resources for this undertaking?
- (5) What was the cost of this surveillance?
- (6) Were employees or resources of the Department diverted from homeland security tasks to conduct this surveillance?
- (7) Were legal requirements and internal guidelines for conducting surveillance complied with?

This appears to be just one of many reports of misusing federal resources to investigate Texas Democrats:

- House Majority Whip Tom DeLay told reporters that "bringing in either U.S. Marshals or FBI agents is justified because redistricting is a federal issue, involving congressional seats." *Houston Chronicle*, May 13, 2003
- DeLay said he consulted an attorney in his office who formerly worked with the Justice Department to determine for Texas House Speaker Craddick whether FBI agents and U.S. marshals could be used to arrest the Democrats out of state.
AP, Suzanne Gamboa, May 13, 2003
- DeLay reportedly already has a United States Attorney in Texas researching how he can employ federal resources. Hugh Aynesworth, *Washington Times*, May 14, 2003
- "A spokeswoman for the U.S. Attorney's office in San Antonio had no official comment, but a source confirmed that an unidentified person had called to inquire about federalizing the arrest warrant." Fort Worth Star-Telegram, May 14, 2003

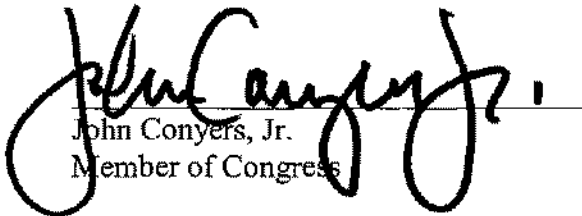
Thank you for your prompt attention to this matter.

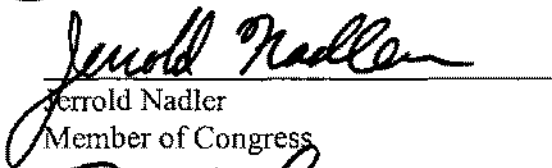
Mr. Clark Kent Ervin

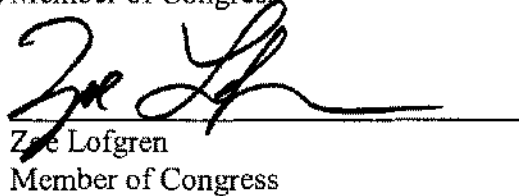
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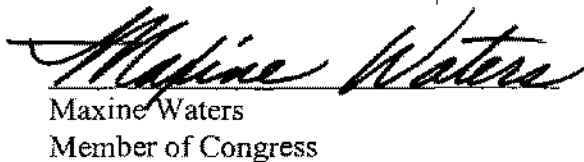
May 15, 2003

Sincerely,

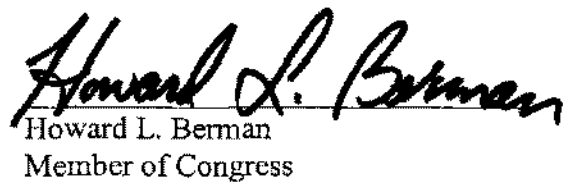

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Member of Congress


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Member of Congress

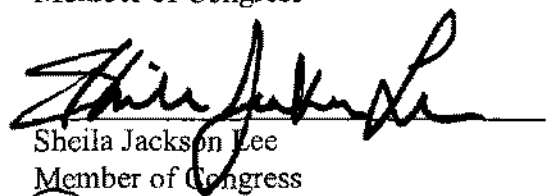

Zoe Lofgren
Member of Congress

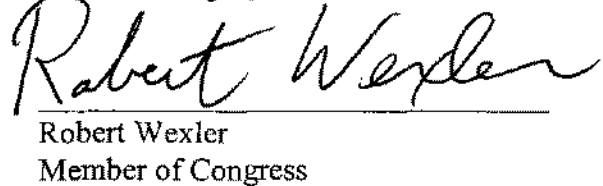

Maxine Waters
Member of Congress

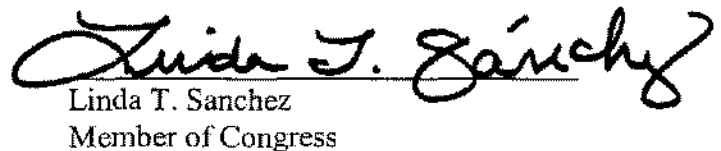

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Linda T. Sanchez
Member of Congress

cc: F. James Sensenbrenner, Jr.
Chairman, Committee on the Judiciary